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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PERRY ASHELMAN,

12 Petitioner,

13 v.

14 PAT GLEBE,

15 Respondent.

Case No. C09-5748RBL

ORDER TO SHOW CAUSE

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17 It appears that Petitioner has not properly exhausted his claims prior to filing this § 2254
18 petition in federal court. The exhaustion of state court remedies is a prerequisite to the granting
19 of a petition for writ of habeas corpus. 28 U.S.C. § 2254(b)(1). Therefore, Petitioner is directed
20 to show cause by **February 4, 2010**, why the petition should not be dismissed without prejudice.

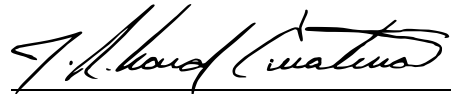
21 A petition can satisfy the exhaustion requirement by providing the highest state court
22 with a full and fair opportunity to consider all claims before presenting them to the federal court.
23 Picard v. Connor, 404 U.S. 270, 276 (1971); Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir.),
24 *cert. denied*, 478 U.S. 1021 (1986). Full and fair presentation of claims to the state court
25 requires “full factual development” of the claims in that forum. Kenney v. Tamayo-Reyes, 504
26 U.S. 1, 8 (1992).

ORDER - 1

1 Review of the petition in this case shows the claims raised have not been properly
2 exhausted. For instance, Petitioner raises one claim – violation of due process – based on the
3 allegation that he was denied the opportunity to present evidence to the prison hearings officer
4 when he was found guilty of violating a prison regulation. The petition does not explain how
5 this claim was first presented to the state court prior to being raised in the instant matter.
6 Therefore, there has been no showing that the federal habeas claims have been properly
7 exhausted in state court. Without more, this matter should be dismissed.
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9 The Clerk is directed to send copies of this Order and the General Order to Petitioner.

10 DATED this 30th day of December, 2009.

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13 J. Richard Creatura
14 United States Magistrate Judge
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